

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DINOSAUR FINANCIAL GROUP LLC,	:	
HILDENE CAPITAL MANAGEMENT,	:	
LLC and SWISS LIFE INVESTMENT	:	
MANAGEMENT HOLDING AG, on behalf	:	
of themselves and all others similarly	:	
situated,	:	
	:	Case Nos. 1:22-cv-1860-KPF,
Plaintiffs,	:	1:22-cv-1929-KPF
	:	
-against-	:	
	:	
S&P GLOBAL, INC., AMERICAN	:	
BANKERS ASSOCIATION, and FACTSET	:	
RESEARCH SYSTEMS INC.,	:	
	:	
Defendants.	:	
	:	
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**STIPULATION REGARDING PRODUCTION OF ELECTRONICALLY STORED  
INFORMATION AND PAPER DOCUMENTS BY XIGNITE, INC.**

The Parties to the above-captioned matter (the “Litigation”), and Non-Party Xignite, Inc. (“Xignite”), through their undersigned counsel, and subject to the approval of the Court, stipulate and agree that the following terms shall apply to Xignite’s production of documents responsive to the subpoena issued by American Bankers Association (“ABA”) on October 17, 2024. Except as otherwise provided below, the terms of the Stipulated Protective Order entered on October 17, 2023 (ECF No. 125) will control.

1. The term “Attorneys’ Eyes Only” shall be a designation applied to particularly sensitive Highly Confidential Material (regardless of how it is generated, stored, or maintained) that Xignite reasonably and in good faith believes involves competitively sensitive information that could be used by a Party in this Litigation.
2. Material designated as “Attorney’s Eyes Only” may be disclosed only to:

- a. Outside counsel (herein defined as any attorney at the parties' outside law firms);
- b. Outside experts or consultants retained by outside counsel for purposes of this action, along with any principals and employees of the firms with which such experts or consultants are associated and who are directly involved and assisting in this litigation, provided they have signed a non-disclosure agreement in the form attached to the Stipulated Protective Order as Exhibit A;
- c. Secretarial, paralegal, clerical, duplicating and data processing personnel of the foregoing;
- d. The Court and court personnel;
- e. Any person who previously authored, received or reviewed a copy of it;
- f. Any person preparing to provide, or providing, sworn testimony (whether in a deposition, hearing or at trial) may be shown or examined on any information, document or thing designated Attorneys Eyes Only if one of the following conditions is met: (i) the witness's statements, communications, attendance, or actions are expressly mentioned, discussed, or referred to by actual name in the material as indicated on its face; (ii) the examining Party has a good-faith basis to believe that the witness has or had lawful access to the document; (iii) the witness is a current employee of Xignite; (iv) the witness is a former employee of Xignite and the examining Party has a good faith basis to believe the witness has or had lawful access to the specific material to be disclosed; or (v) the person is otherwise

permitted access under this Order. Absent any of these circumstances or order of the Court, the Party wishing to use “Attorney’s Eyes Only” material in an examination of a witness must provide written notice to Xignite at least ten (10) days prior to such examination; if Xignite does not object within this ten-day period, the Party may show the document to the person preparing to provide, or providing, sworn testimony; and

- g. Vendors retained by or for the parties to assist in preparing for pretrial discovery, trial and/or hearings including, but not limited to, court reporters, litigation support personnel, jury consultants, individuals to prepare demonstrative and audiovisual aids for use in the courtroom or in depositions or mock jury sessions, as well as their staff, stenographic, and clerical employees whose duties and responsibilities require access to such materials.
- 3. Any material that Xignite designates as “Attorney’s Eyes Only” shall be treated as “Protected Material” under the Stipulated Protective Order.
  - 4. “Attorney’s Eyes Only” material must be treated in accordance with the provisions of the Stipulated Protective order unless and until a ruling from the Court determines otherwise.
  - 5. For the avoidance of doubt, Paragraph 14 of the Stipulated Protective Order relating to the Designation of Protected Material shall also apply to material designated Attorneys’ Eyes Only.
  - 6. For the avoidance of doubt, Paragraph 15 of the Stipulated Protective Order relating to Objections to Confidentiality Designations or Treatment shall also apply to

material designated Attorney's Eyes Only.

7. For the avoidance of doubt, Paragraph 27 of the Stipulated Protective Order relating to the Production of Protected Material Without Designation shall also apply to material designated Attorneys' Eyes Only.
8. The provisions of this Stipulation shall only apply to documents produced after January 15, 2025. For the avoidance of doubt, documents produced prior to January 15, 2025 shall not in any way be subject to the restrictions contained herein.

SO ORDERED.

Dated: \_\_\_\_\_

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Katherine Polk Failla  
United States District Judge

By: /s/ Caroline N. Mitchell

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